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ROBERT HUGHES, SR. and  
SHARON SUMLER O/B/O  
BETTY SUMLER

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: BEXTRA AND CELEBREX  
MARKETING SALES PRACTICES AND  
PRODUCT LIABILITY LITIGATION

MDL NO. 1699  
District Judge: Charles R. Breyer

*This document relates to:*

Mark Beard, et al.

Plaintiffs,

vs.

Pfizer, Inc., et al.

Defendants.

STIPULATION AND ORDER OF  
DISMISSAL WITHOUT PREJUDICE  
ONLY AS TO THE INDIVIDUAL CASE  
OF ROBERT HUGHES, SR. and  
SHARON SUMLER O/B/O BETTY  
SUMLER FILED UNDER CASE NO. 06-  
2474 CRB INVOLVING MULTIPLE  
PLAINTIFFS

Case No. 06-2474 CRB

**STIPULATION AND ORDER OF PARTIAL DISMISSAL WITHOUT PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between the following specific Plaintiffs Robert Hughes, Sr. and Sharon Sumler /o/b/o Betty Sumler ("Plaintiffs") and Defendants Pfizer, Inc., Pharmacia Corporation and G.D.Searle, L.L.C. ("Pfizer"), pursuant to Fed. R. Civ. P. 41(a)(1), to a dismissal without prejudice of the following Plaintiffs' claims which were filed in a multi-plaintiff Complaint against Defendant:

1. Robert Hughes, Sr.

2. Sharon Sumler o/b/o Betty Sumler

This Stipulation and Order, however, is a partial dismissal in that it does not affect any claims, counterclaims and issues by and between Defendants and the remaining Plaintiffs.

Specifically, the parties hereby stipulate and agree as follows:

1. Plaintiffs, Robert Hughes, Sr. and Sharon Sumler o/b/o Betty Sumler dismiss their individual causes of action [which were filed within the Multi-Plaintiff Complaint] without prejudice.

2. This dismissal is voluntary and not on the merits. Plaintiffs certify that no other causes of action based on these claims have been previously dismissed in any Federal or State court.

3. Plaintiffs agree that in the event they re-file a lawsuit against Pfizer that contains claims relating to Bextra® and Celebrex®, such lawsuit will be filed in a United States District Court;

4. Plaintiffs further agree that in the event they re-file such lawsuit, any discovery that has taken place or will take place in *In Re Bextra and Celebrex Marketing, Sales Practices, and Products Liability Litigation* (MDL-1699), the MDL proceeding that has been established in the United States District Court for the Northern District of California, and that is not specific to a particular plaintiff, can be used in any such lawsuit re-filed by Plaintiffs, as though Plaintiffs had been a party and had an opportunity to participate in that discovery.

5. Each party will bear their own fees, expenses and costs.

Plaintiffs and Defendants agree to the above-stated conditions and the specific Plaintiffs wish to dismiss their claims in the instant lawsuit without prejudice, subject to the conditions stated above.

WHEREFORE, the parties hereto stipulate to the dismissal of the claim of Plaintiffs in the above-styled lawsuit without prejudice to re-filing, subject to the conditions stated above.

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4 DATED: February 13, 2007.

5 By: /s/ Christine L. DeSue  
6 Christine DeSue  
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10 Attorneys for Plaintiffs,  
11 Robert Hughes, Sr. and  
Sharon Sumler o/b/o Betty Sumler

12 DATED: February 16, 2007.

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18 Attorneys for Defendants

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24 February 26, 2007

